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AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/825,708

Filing Date: April 4, 2001

Title: Method of Sharing Information Among a Plurality of Stations in a Frame-Based Communications Network

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Dkt: BUI3821.0033-051001

REMARKS

Claims 1-28 are pending, of which claims 1, 16, 23, and 25 are independent. Claims 1-15 are allowed. Claims 22 and 24 are allowable if rewritten.

Claim Rejections – 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 25-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully submits that the specification, as filed, fully supports claims 25-28.

For example, claim 25 is supported, at least, in the Summary of the Invention on page 6, line 4 through page 7, line 17. Claim 26 is supported, at least, on page 65, line 3 through page 68, line 12. Claim 27 is supported, at least, on page 62, line 14 through page 64, line 22. Claim 28 is supported, at least, on page 66, line 16 through page 68, line 12. The cited paragraphs are given by way of example and other portions of the specification also support claims 25-28. Applicant respectfully requests that the Examiner withdraw the rejection of claims 25-28. As there is no other basis for rejection set forth in the Office Action, claims 25-28 are allowable.

Claim Rejections – 35 U.S.C. § 102

Also in the Office Action, the Examiner rejected claims 16-18 and 23 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent 5,077,732 to Fischer *et al.* (hereafter, "Fischer"). Applicant respectfully traverses this rejection.

In order for a reference to anticipate a claim, each and every element of the claim must be disclosed or suggested in the reference. Applicant respectfully submits that Fischer does not disclose or suggest all of the features of claim 16.

Claim 16 recites (*emphasis added*):

A method of sharing information among a plurality of stations on a communications network, each of the plurality of stations being capable of transmitting and receiving frames over the communications network between any one station and all other stations, comprising periodically broadcasting by one station to all other stations capabilities and status announcements sent in control frames.

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The Examiner asserted in the Office Action that these features are disclosed by Fischer at column 20, lines 1-10, which specifically recites:

In a non-token based network, when the nodes first join the network, and perhaps periodically thereafter, the nodes send broadcast frames that contain their capabilities. These periodic broadcasts of capabilities occur at the common rate, and are received by all of the other nodes on the network. The capability information which is recorded in the capability table for each of the nodes is built or updated according to these periodic broadcasts.

Fischer discloses network nodes periodically sending broadcast frames that include their capabilities. There is no mention by Fischer that these broadcast frames include status announcements or that the broadcast frames are control frames, as recited in claim 16. In fact, Fischer describes these broadcast frames as data frames including capability information embedded in the data frames. Such an approach is described in Fischer at column 18, lines 52-63, which recites (emphasis added):

Upon receiving the token during network reconfiguration, the enhanced node sends a broadcast data packet to all other nodes. The broadcast data packet has inserted therein the enhanced operational or data rate capabilities. Broadcasts always take place at the common rate to insure that all nodes will be able to receive them. All of the other nodes receive the broadcast, and the enhanced nodes extract the capability information, associate the extracted capability information with the ID of the node making the broadcast, and record the associated ID and capability information in a capability table for later use when communicating between nodes.

Accordingly, Fischer does not disclose or suggest "periodically broadcasting by one station to all other stations capabilities and status announcements sent in control frames" as clearly recited by claim 16. The Office Action does not explain how these features of claim 16 are disclosed by Fischer. As Fischer does not disclose, describe or suggest all of the elements and limitations of claim 16, the rejection of claim 16 should be withdrawn.

Dependent claims 17 and 18 are allowable for at least the same reasons as independent claim 16, from which they depend. Applicants, therefore, respectfully submit that the rejection of claims 17 and 18 should also be withdrawn.

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Independent claim 23 includes similar limitations to those discussed above with respect to claim 16. Therefore, claim 23 is patentable over Fischer for similar reasons as claim 16. Applicant respectfully requests that the Examiner withdraw the rejection of claim 23.

Claim Rejections - 35 U.S.C. § 103

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer. Claim 20 is rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of U.S. Patent 5,461,608 to Yoshiyama. Claim 21 is rejected under U.S.C. § 103(a) as being unpatentable over Fischer in view of U.S. Patent 5,894,481 to Book.

Claim 19 depends from claim 16 and includes all of its limitations. Claim 19 is not obvious over Fischer as Fischer fails to disclose suggest or describe the limitations of claim 16 discussed above. Therefore, Application respectfully requests that the Examiner withdraw the rejection of claim 19.

Claims 20 and 21 also depend from claim 16 and includes all of its limitations. Applicant respectfully submits that neither Yoshiyama or Book, alone or in combination with Fischer, cure the deficiencies of Fischer discussed above with regard to claim 16. Accordingly, claims 20 and 21 are allowable for at least the same reasons as claim 16. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 20 and 21.

Allowable Subject Matter

In the Office Action, the Examiner indicated claims 1-15 as being allowed. The Examiner also indicated that claims 22 and 24 would be allowable if rewritten in independent form. Applicant thanks the Examiner for these indications of allowance and allowability. However, because Applicant believes all pending claims are allowable, as discussed above, Applicant has elected not to rewrite claims 22 and 24 and, instead, submits the foregoing remarks.

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Conclusion

Accordingly, all pending claims are believed to be in condition for allowance, and such action is requested in the Examiner's next official communication. The Examiner is invited to telephone Applicant's attorney (360-554-8042) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

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Date Nov. 24, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being transmitted via facsimile to facsimile number 571-373-830, addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of November, 2006.

Paul Churilla

Paul Churilla
Signature